

COPY

1

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

- - - - - X

JUDITH H. WEISS,

Plaintiff,

against,

FRANCES M. CREEM and BETTY M. OLSON,

Defendants.

- - - - - X

DATED: January 21, 2008
Poughkeepsie, New York
2:20 p.m. - 3:00 p.m.

Patrick M. DeGiorgio, Reporter

DEPOSITION

OF

KRISTOFER BARNHART

(A Non-Party Witness)

MARY T. BABIARZ COURT REPORTING SERVICE, INC.
(845) 471-2511

BARNHART

8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. No.

Q. I notice you brought a copy of a police accident report. Have you had a chance to take a look at that before coming here today?

A. Yes.

Q. Is that a two-page document?

A. Yes.

Q. For Identification purposes today that's been marked as Defendant's Exhibit B. I'll have you take a look at both of those documents in a second, but before I have you do that, do you have an independent recollection of an accident which occurred on Route 32 north on September 18th, 2006 in the Town of Rosendale?

A. Yes.

Q. Can you tell me, sir, what your independent recollection is about that accident?

A. There was construction in the area, I don't remember what for. I got called for an accident, a woman came down and struck a vehicle that was stopped due to the construction zone. That was about it.

BARNHART

11

Q. From looking at the report, can you tell what the colors of those cars were?

A. No. It's not on here, no.

Q. Does that refresh your recollection as to what the colors of the car were?

A. No. It was too long ago.

Q. When you arrived at the scene, can you tell me the relevant positions of the cars?

A. There were -- they were in the northbound lane then, right in the lane itself.

Q. The northbound lane of Route 32 in the area of the accident, is that one lane, two lanes or something else?

A. One lane.

Q. How about in the southbound direction of that location, one lane, two lanes or something else?

A. Two lanes.

Q. Do you recall the weather that day?

A. Just clear. There was nothing, no snow or anything like that, no rain.

Q. Do you know if the weather was a factor in the accident at all?

A. No, it was not.

BARNHART

13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

in one vehicle and one person in the other?

A. Yes.

Q. Do you recall which had which?

A. I'd have to look at the report. Frances Creem in one vehicle and Betty Olson and Judith was Weiss in the second vehicle.

Q. Who was driving in the Olson/Weiss vehicle?

A. Olson.

Q. Can you describe Miss Olson?

A. No. It was too long ago.

Q. Can you describe Miss Weiss?

A. Too long ago.

Q. How about Miss Creem, can you describe her?

A. Too long ago.

Q. Do you recall having a conversation with Miss Creem about how the accident took place?

A. Could I look at the report?

Q. Sure.

A. Vaguely I remember her telling me about the brakes not working properly.

Q. Do you know if that came from Miss Creem or some other source?

A. I believe Miss Creem.

BARNHART

32

1
2 A. We can print out and exchange information
3 for the drivers, but you have to bring it
4 back to the station to get it approved by
5 the supervisor.

6 Q. All the information that is on B was
7 generated at the scene?

8 A. Yes.

9 Q. The second page, diagram on the exhibit,
10 Exhibit B, that's put down to your
11 description of the actual accident, not
12 where you found the vehicles when you
13 arrived; correct?

14 A. Yes. That would be the description that
15 they gave me of what happened, I put it on
16 the diagram.

17 Q. You indicated that there are boxes to
18 indicate causative factors on the report,
19 Exhibit B; correct, but you just don't know
20 which -- you don't have the code for the
21 causing factors with you today?

22 A. Correct.

23 Q. Do you recall which boxes on the report are
24 causative factors and for which vehicle?

25 A. It would be up on the right hand side up

BARNHART

33

here somewhere.

Q. That would be the one 19, 20, 21 and 22?

A. Yes. Somewhere in there is the -- I'm not positive exactly which one it is.

Q. So whatever 42 is, you put down 42, that would correspond to a causative factor, on box number 19 on the right-hand side?

A. If 19 is that corresponding box. It's one of these here. I'm not positive which one.

MR. KONDULIS:

I have no further questions.

MR. O'SHAUGHNESSY:

I have one follow-up.

CONTINUED EXAMINATION BY MR. O'SHAUGHNESSY:

Q. As part and parcel of your investigation of an accident scene, would you also look to examine whether a vehicle had a proper inspection?

A. Yes.

Q. Would you also look to see if a car had a proper registration?

A. Yes.

Q. And a valid license?


A. Yes.

POLICE ACCIDENT REPORT
MV-104A (3/04)

19
42212223
1

24
1

25
126
O2790N

	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only	
A	1	1	4	1	76	F	X	X	6	11372ET	5503	CREEM, FRANCES M		
B	2	1	4	1	63	F	04	14	6	11363ET	5501	OLSON, BETTY M		
C	2	3	4	1	56	F	04	14	6	11363ET	5501	WEISS, JUDITH H		
D														
E														
F														
Officer's Rank and Signature PO 							Badge/ID No. 215		NCIC No. 05590		Precinct/Post Troop/Zone F3	Station/Beat Sector	Reviewing Officer Buboltz, Andrew J	Date/Time Reviewed 9/25/2006 10:01
Print Name in Full Kristofer Barnhart														

Local Codes
06-1166
6SRPD4000047

POLICE ACCIDENT REPORT MV-104A (3/04)

☐ **AMENDED REPORT**

Accident Date			Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input type="checkbox"/> Yes <input type="checkbox"/> No
Month	Day	Year						Accident Reconstructed <input type="checkbox"/>		
9	18	2006	Monday	15:00	2	3	0			

